

17 A vehicle lift, comprising:

- a3
- a) a plurality of spaced-apart columns;
  - b) at least one ramp;
  - c) at least two cross rails supporting the at least one ramp, said at least two cross rails secured within a cross rail receiver slot in the plurality of spaced apart columns;
  - d) a lifting mechanism;
  - e) at least one cable having a securing end fastened substantially at a center position of one of the plurality of spaced apart columns and said at least one cable attached to the lifting mechanism; and
- wherein actuation of the lifting mechanism causes said at least one ramp to move vertically.

**REMARKS**

An Office Action was received on October 11, 2001, in which pending claims 1 - 20 stand rejected. Reconsideration of the application as amended, an in light of the remarks herein, is respectfully is requested.

**Claim rejection 35 U.S.C. § 112**

Claims 8 and 16 stand rejected under 35 U.S.C. § 112 for containing subject matter which is not sufficiently described in the specification. The specification, at page 15, lines 17 - 21 has been amended to clarify the function of the slidable shut off switch. As amended, the specification now clearly explains that the switch slides vertically within one of the columns. The switch can be pre-positioned so that the cross members will contact the switch at that pre-determined vertical level thereby causing the lift to shut off. It should now be clear how the shut off switch moves and functions.

Claim 1 has been amended to remove the word “device” after “a hydraulic cylinder” so as to provide appropriate antecedent basis for “the hydraulic cylinder”. Claim 9 has been amended to change “the cross rails” to “the cross members” which has the necessary antecedent basis in the first line of subparagraph (c). Claim 17 has been amended to clarify the “center” the column and to add appropriate antecedent basis. Further, per the Examiner’s direction, the word “columns” has been inserted after “spaced apart”.

**Claim rejection 35 U.S.C. § 102**

Claims 1, 2, 9, 10 and 17 through 20 stand rejected under 35 U.S.C. § 102(b) as anticipated by Martin, U.S. Patent 2,139,597 (‘597 patent). The ‘597 reference does in fact disclose a vehicle lift with several similarities to Applicant’s device. However, the ‘597 reference does not include at least one pulley attached to each end block where the end block on the cross members are received in the receiver slot of each U-shaped column. Further, the cross members number 4 of the ‘597 device do not have opposing end blocks 3, as identified by the Examiner. Rather reference number 3 is the “extreme end of the frame bars 4 (Column 2, lines 17-21).”

Pending claim 1 distinctly describes and claims the element of an end block at each end of the cross member, wherein the end block includes at least one pulley attached thereto. This is not found in the ‘597 reference. The ‘597 reference is quite similar to the known prior art disclosed by Applicant and shown in figure 11. Pending claim 9 specifically sets forth “at least one cable is maintained within the U-shaped column and is routed through a pulley on the end of one of the at least two cross rails received within the U-shaped column. . .” The ‘597 reference, as is well known within the art, includes a cable attached to a column and a cross member where the cable is not maintained within the column. This improvement of the pending application is discussed in detail in the Specification and comprises a significant improvement in the industry.

As each distinct element of claims 1 and 9 are not disclosed in the '597 reference, the pending claims are not anticipated.

**Claim rejection 35 U.S.C. § 103**

Claims 1 through 3, 9 through 11, and 17 through 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over a FR 1093591 A (FR '591 patent) in view of Petit, U.S. Patent 3,985,207 (the '207 patent). Neither the FR '591 patent or the '207 patent disclose a vehicle lift which includes columns having a top cap with a central location for attachment of the lifting cables. As disclosed and described in the pending application, the central location at the top cap of each column for attachment of the lifting cables is essential to decrease the angular stresses imparted on the device during elevation of a weighty vehicle. Independent claims 1, 9 and 17 have all been amended to specifically claim attachment of the lifting cable to a central point at the top cap of each of the spaced apart U-shaped column. Both the FR '591 patent and the '207 patent teach attachment of the lifting cable at or substantially near one of the sides of each support column of the lifting device. The positioning of the cable fastening point at the columns, along with the position of the pulleys on the cross members is important to define the directional forces which will be sustained by the device during operation. Both of the references teach away from fixing cable ends at a centralized location with wholly within each of the support columns. Further, there is no motivation to combine the two references to arrive at the invention of the pending application. Without a suggestion or instruction to combine the two references, such combination is inappropriate.

Claims 4 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over FR 1093591 A in view of Petit U.S. Patent 3,985,207 as applied to claims 2 and 9 and further in view

of Lightner, et al., U.S. Patent 1,468,482. Claims 4 and 12 of the pending application both are drawn to a removable tire block mounted on at least one of the spaced apart ramps. None of the references cited by the Examiner suggest or teach combining the elements therein with the elements of other references. Without such suggestion or motivation to combine the references, it is inappropriate to do so. Here, it is necessary to cobble together three distinct references to attempt to obviate Applicant's claims. Claims 2 and 9, from which claims 4 and 12 depend, have both been modified to clarify the positioning of the cable attachment at a central location of a top cap at each of the four columns. This is not suggested or taught in any of the references cited by the Examiner. Therefore, the rejection of claims 4 and 12, along with independent claims 2 and 9, should be withdrawn.

Claims 5 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Martin, U.S. Patent 2,139,597 (the '597 patent) in view of Baldwin, et al., U.S. Patent 4,724,875 (the '875 patent). Claims 5 and 13 are both drawn to a "drip tray removably mounted between the pair of spaced apart ramps." The Examiner points to the '875 reference as having a drip tray 74 removably mounted between the spaced apart ramps. However, reference number 74 is directed to a oil pan in the '875 reference. The oil pan is specifically used for catching oil during oil change operations and is not a drip pan which is mounted between the ramps which catches common drips and leaks from the engine or undercarriage of the elevated vehicle. For the reason stated above, it is asserted that the '597 reference does not obviate independent claims 1 and 9 and therefore claims 5 and 13 would not be obviated by the inclusion of limitations found in the '875 reference. Moreover, there is no motivation or suggestion to combine these two references and therefore it is inappropriate to do so.

Claims 5 and 13 also are rejected under 35 U.S.C. § 103(a) as being unpatentable over FR

'591 in view of '207 as applied to claims 2 and 9 and further in view of Baldwin U.S. Patent 4,724,875. Applicant reasserts its argument in the paragraphs above with respect to claims 5 and 13. It is inappropriate to jumble together various elements of three distinct references to obviate a pending application without some suggestion within the references themselves to do so. There is no motivation to combine the references and it is unlikely that any such combination would have resulted in the success of Applicant's invention. Dependent claims 5 and 13 rise or fall with the independent claims 1 and 9 respectively. In light of Applicant's amendments to the independent claims, it is asserted that the independent claims are not obviated by the FR '591 reference, the '207 patent, the '875 patent, or any combination thereof.

Claims 6 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Martin, U.S. Patent 2,139,597 in view of Clarke, U.S. Patent 3,536,161. Claims 6 and 14 of the pending application add the element of casters mounted adjacent the base of each four columns which allow the device to be moved about. For the reasons discussed above, it is assert that the '597 reference does not fully anticipate, or obviate, amended independent claims 1 and 9 of the pending application. Further, there is no motivation or suggestion within either of the references to combine them and it is therefore inappropriate to do so.

Claims 6 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over FR '591 in view of Petit '875 as applied to claims 2 and 9 further in view of Clarke, U.S. Patent 3,536,161. The independent claims from which claims 6 and 14 depend are not obviated by the references cited by the Examiner in light of the amendments made. Moreover, there is no motivation or suggestion within any of the three references relied upon to combine them and it is therefore inappropriate to

do so. Dependent claims 6 and 14 rise or fall with the independent claims 1 and 9 respectively. In light of Applicant's amendments to the independent claims, it is asserted that the independent claims are not obviated by the FR '591 reference, the '875 patent, the '161 patent, or any combination thereof.

Claims 7 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Martin '597 in view of Nussbaum U.S. Patent 4,076,216 (the '216 patent). Dependent claim 7 and 15 add the element of a flexible slotted dust cover mounted across each cross member receiver slot of the four spaced apart U-shaped columns. The '216 reference does not teach a flexible slotted dust cover, rather describes the inclusion of two slits in a rigid plate which accommodate flaps of a cover strip to protect against the accumulation of dirt and from damage to internal components. The '216 cover strip is not described or claimed as a "flexible slotted dust cover". Dependent claims 7 and 15 rise or fall with the independent claims 1 and 9 respectively. In light of Applicant's amendments to the independent claims, it is asserted that the independent claims are not obviated by the '597 reference, the '216 patent, or any combination thereof.

Further, there is no motivation or suggestion to combine the references and it is therefore inappropriate to do so. Claims 7 and 15 have also been rejected as unpatentable over FR '591 in view of Petit '207 as applied to claims 2 and 9 and further in view of Nussbaum '216. Again, independent claims 1 and 9 are not anticipated or obviated by any of the references cited in light of the amendments provided herewith. Moreover, the '216 reference does not disclose or teach a "flexible slotted dust cover". The "cover" of the '216 patent is not slotted and must be removed from the device to access the inner workings. Applicant's slotted dust cover is flexible and allows

a user to access the interior of each U-shaped column without removal while preventing dust and contaminants to enter the column. This is not suggested or taught within the '216 reference.

Claims 8 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Martin '579 in view of Haumerson, U.S. Patent 2,624,546 (the '546 patent). As asserted above, Martin '579 does not obviate the amended independent claims 1 and 9. The '546 reference does not describe or claim an automatic shutoff mechanism which is mounted within one of the four columns and which can be prepositioned to stop actuation of the lifting device at a predetermined height. Further, there is no motivation or suggestion within either of the references to combine the elements therein and it is therefore inappropriate to do so. Dependent claims 8 and 16 rise or fall with the independent claims 1 and 9 respectively. In light of Applicant's amendments to the independent claims, it is asserted that the independent claims are not obviated by the '579 reference, the '546 patent, or any combination thereof.

Claims 8 and 16 also are rejected under 35 U.S.C. § 103(a) as being unpatentable over FR '591 in view of Petit '207 as applied to claims 2 and 9 above and further in view of Haumerson 2,624,546. Again, independent claims 1 and 9 are not anticipated or obviated by any of the references cited in light of the amendments provided herewith. Moreover, the '546 reference does not disclose or teach an automatic shutoff mechanism which is mounted within one of the four columns and which can be prepositioned to stop actuation of the lifting device at a predetermined height. Further, there is no motivation or suggestion within either of the references to combine the elements therein and it is therefore inappropriate to do so.

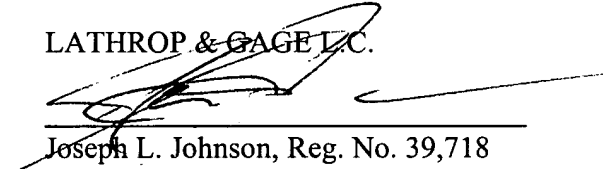
None of the patent references discuss or teach combining the inventive disclosure with any other referenced source. Without such a suggestion or teaching, it is impermissible to simply group together varying elements of distinct patent references to obviate a pending application.

All of the claims pending are now believed to be in condition for allowance, and it is respectfully requested that all pending claims be allowed by the Examiner.

If the Examiner has any suggested changes, which would place the present application in condition for allowance, please contact Applicant's attorney at the number listed below.

Respectfully submitted,

LATHROP & GAGE L.C.



---

Joseph L. Johnson, Reg. No. 39,718  
1845 S. National Ave.  
P.O. Box 4288  
Springfield, Missouri 65808-4288  
Tel: (417) 886-2000  
Fax: (417) 886-9126



**Claims: Version with markings to show changes made.**

1. A vehicle lift comprising:
  - a) a pair of spaced-apart ramps;
  - b) at least two cross members attached to and supporting the pair of spaced-apart ramps, each of the at least two cross members further having at least two opposed end blocks and at least one pulley attached to each end block;
  - c) four spaced-apart U-shaped columns, each of the U-shaped columns having a base, a top cap, located opposite the base, and a cross member receiver slot wherein the end blocks on the cross members are slidingly received in the slot;
  - d) a hydraulic cylinder [device]; and,
  - e) a plurality of cables, each cable fixed at one end [to] substantially in the center of the top cap of one of the U-shaped columns and the opposite end to the hydraulic cylinder, so that when the hydraulic cylinder is actuated, upward and downward movement of the cross members and the spaced-apart ramps occurs.

9 A vehicle lift, comprising:

- a) four spaced-apart U-shaped columns, each having a base and a top cap;
  - b) a pair of ramps;
  - c) at least two cross members supporting the pair of ramps, each of the at least two cross [rails] members having opposing ends slidably received and held within a cross member [rail] receiver slot in one of the four spaced-apart U-shaped columns;
  - d) a hydraulic cylinder;
  - e) at least one cable having a securing end fastened substantially at the center position of the top cap [within one] of one of the four spaced-apart U-shaped columns and further having a pulling end attached to the hydraulic cylinder; and
- wherein the at least one cable is maintained within the U-shaped column and is routed through a pulley on the end of one of the at least two cross members [rails] received within the U-shaped column, such that when operated, the hydraulic cylinder pulls said at least one cable through the pulley thereby raising the at least two cross members [rails] and the pair of ramps.

17 A vehicle lift, comprising:

- a) a plurality of spaced-apart columns;
  - b) at least one ramp;
  - c) at least two cross rails supporting the at least one ramp, said at least two cross rails secured within a cross rail receiver slot in the plurality of spaced apart columns;
  - d) a lifting mechanism;
  - e) at least one cable having a securing end fastened substantially at a center position [in the center] of one of the plurality of spaced apart columns and said at least one cable attached to the lifting mechanism; and
- wherein actuation of the lifting mechanism causes said at least one ramp to move vertically.